



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION I
475 ALLENDALE ROAD
KING OF PRUSSIA, PENNSYLVANIA 19406-1415

March 26, 2002

Docket No. 99990001

General Licensee

Don Sawyer
Facilities Manager
Thomas G. Faria Corporation
385 Norwich - New London Turnpike
Uncasville, CT 06382-0983

SUBJECT: LOSS OF GENERALLY LICENSED RADIOACTIVE MATERIAL

Dear Mr. Sawyer:

On February 13, 2002, you informed the NRC of the loss of a generally licensed device containing polonium-210 (Po-210). The device, an NRD LLC, Static Eliminator Model P-2031, was originally shipped to Thomas G. Faria Corporation (Faria Corp.) on December 13, 1991. The device originally contained approximately 20 millicuries of Po-210. Currently the device contains less than one microcurie as a result of decay. On March 6, 2002, we received a 30 day written report, dated March 4, 2002, from you as required by 10 CFR 20.2201.

You informed the NRC that Faria Corp. had conducted a search of its facility for the device but was unsuccessful, and you stated that individuals who had used the device were no longer employed by Faria Corp. You further stated that Faria Corp. has no plans for future use of this type of device.

10 CFR 31.5(c)(8) requires, in part, that any person who acquires, receives, possess, uses or transfers byproduct material in a device pursuant to a general license shall, except as provided in 10 CFR 31.5(c)(9), transfer or dispose of the device containing byproduct material only by transfer to persons holding a specific license pursuant to 10 CFR Parts 30 and 32 or an Agreement State to receive the device.

Contrary to the above, between 1991 and February 13, 2002, Faria Corp. transferred/disposed of an NRD LLC, Model P-2031, Static Eliminator, containing approximately between 20 millicuries and 1 microcurie (activity as of February 13, 2002, when reported to the NRC) of Po-210, and this transfer/disposal was not made to a person holding a specific license pursuant to 10 CFR 30 and 32 or an Agreement State to receive the device, and exceptions in 10 CFR 31.5(c)(9) did not apply.

D. Sawyer
Thomas G. Faria Corporation

2

Although a violation of 10 CFR 31.5 was identified, since your actions were not willful, and because you identified and reported the violation to the NRC, and took appropriate corrective action to address the violation and prevent recurrence of similar problems, we are exercising enforcement discretion in accordance with the Interim Enforcement Policy for Generally Licensed Devices (May 1, 2000; 65 FR25368), and not issuing any enforcement action for this violation. However, any future violations of 10 CFR 31.5 may be considered for enforcement action.

In accordance with 10 CFR 2.790 of the NRC's "Rules of Practice," a copy of this letter will be made available electronically for public inspection in the NRC Public Document Room or from the Publicly Available Records (PARS) component of the NRC's document system (ADAMS). ADAMS is accessible from the NRC Web site at <http://www.nrc.gov/reading-rm.html> (the Public Electronic Reading Room).

Thank you for your cooperation.

Sincerely,

Original signed by John D. Kinneman

John D. Kinneman, Chief
Nuclear Materials Safety Branch 2
Division of Nuclear Materials Safety

Docket No. 99990001
General Licensee

cc:
State of Connecticut

D. Sawyer
Thomas G. Faria Corporation

3

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